

## **EXHIBIT 4**

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

|   |   |
|---|---|
| <p>ROY HARNESS, et al.,</p> <p>Plaintiffs,</p> <p>v.</p> <p>DELBERT HOSEMANN, SECRETARY OF<br/>STATE OF MISSISSIPPI, in his official<br/>capacity,</p> <p>Defendant.</p>    | <p>Civil Action No. 3:17-cv-791-DPJ-FKB<br/><i>Consolidated with</i><br/>Civil Action No. 3:18-cv-188-CWR-LRA</p> |
| <p>DENNIS HOPKINS, et al.,</p> <p>Plaintiffs,</p> <p>v.</p> <p>DELBERT HOSEMANN, SECRETARY OF<br/>STATE OF MISSISSIPPI, in his official<br/>capacity,</p> <p>Defendant.</p> |   |

**REPLY REPORT OF DOV ROTHMAN, Ph.D.**

**October 4, 2018**

**TABLE OF CONTENTS**

|  |          |
|--|----------|
| <b>I. INTRODUCTION AND QUALIFICATIONS .....</b>                    | <b>1</b> |
| <b>II. ASSIGNMENT .....</b>  | <b>1</b> |
| <b>III. MR. MOORE’S RESULTS SHOW DISPROPORTIONATE EFFECTS.....</b> | <b>2</b> |

## **I. INTRODUCTION AND QUALIFICATIONS**

1. I have been retained as an expert by counsel for Plaintiffs in *Hopkins v. Hosemann*, captioned above. I have prepared this report according to Federal Rule of Civil Procedure 26(a)(2)(B).

2. I am a Managing Principal at Analysis Group, Inc. (“Analysis Group”), an economic, financial, and strategy consulting firm with nine offices in the United States. I earned a B.A. from the University of California at Berkeley, an M.Phil. from Cambridge University, and a Ph.D. from the University of California at Berkeley. Prior to joining Analysis Group, I was an assistant professor at Columbia University in New York City. A more complete discussion of my expertise and experience is contained in my prior report. A copy of my curriculum vitae and the list of my prior testimony for the past four years is included as Appendix A.

3. My standard billing rate is \$690 per hour. However, I am providing my services in this matter on a pro bono basis. My participation in this matter is not contingent on the content of my opinions.

4. I have directed employees of Analysis Group to assist me in my current assignment; they are also providing their services on a pro bono basis. My work on this matter is ongoing, and my opinions are formed using the information available to me as of the date of this report. I reserve the right to amend or supplement this declaration if additional information is made available to me. If other expert reports or declarations come to my attention, I may choose to update my opinions or respond to such reports as necessary.

## **II. ASSIGNMENT**

5. I have been asked by the Southern Poverty Law Center and Simpson Thacher & Bartlett LLP, counsel for Plaintiffs in *Hopkins v. Hosemann*, to review the report submitted by C.

Rick Moore<sup>1</sup> on behalf of the Defendant. Specifically, I have been asked to respond to Mr. Moore's analysis of criminal records data from the Administrative Office of the Courts for the period from 1994 to 2017 ("AOC data") and the results he presents.

6. A list of the materials that I have considered in connection with this assignment is provided as Appendix B.

### **III. MR. MOORE'S RESULTS SHOW DISPROPORTIONATE EFFECTS**

7. In his report, Mr. Moore uses the AOC data to present the racial breakdown of individuals convicted of disenfranchising offenses<sup>2</sup> broken down by specific offense categories. For the sake of comprehensiveness, my prior report discussed the racial breakdowns of both disenfranchised individuals and the set of disenfranchised individuals who have completed their sentences. For the purposes of the Hopkins Plaintiffs' claims, the relevant population is the set of disenfranchised individuals who have completed their sentences. However, Mr. Moore neither discusses the set of those disenfranchised individuals who have *completed* their sentences nor does he address the racial breakdown of that subset of individuals. The racial breakdowns that Mr. Moore presents show that a larger share of black individuals are affected by Mississippi's criminal disenfranchisement laws than individuals of any other race for all but *one* of the crime categories. The single crime category with a larger share of convicted white individuals is bigamy,<sup>3</sup> and this category accounts for only 17 out of the 51,713 records analyzed by Mr. Moore.

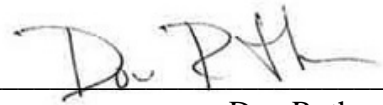
---

<sup>1</sup> Expert Report of C. Rick Moore, Information Technology Director, August 31, 2018 ("Moore Report").

<sup>2</sup> Moore Report at 3-4.

<sup>3</sup> Mr. Moore uses the "statute field 97-29 13" to identify this category. *See* Moore Report at 4.

8. While Mr. Moore has segmented the population of disenfranchised individuals into smaller groups based on the categories of disenfranchising offenses, the racial breakdowns he presents are disproportionate, as were those I presented in Section IV.A of my original report and reinforce my prior statements.

A handwritten signature in dark ink, appearing to read "D. Rothman", is positioned above a horizontal line.

Dov Rothman, Ph.D.  
October 4, 2018

**APPENDIX A**  
**DOV ROTHMAN, PH.D.**  
**Managing Principal**

Phone: 617 425 8209  
Fax: 617 425 8001  
dov.rothman@analysisgroup.com

111 Huntington Avenue  
14th Floor  
Boston, MA 02199

Dr. Rothman is an economist with expertise in antitrust economics, econometrics, and industrial organization. He has testified as an expert on antitrust issues, and recently led teams that supported the Department of Justice's (DOJ's) testifying economist in its challenge of the Anthem/Cigna merger, the Federal Trade Commission's (FTC's) testifying economist in its challenge of the Sanford Health/Mid Dakota Clinic merger, and the FTC's testifying economist in its challenge of the Penn State Hershey Medical Center/PinnacleHealth merger. Dr. Rothman is a senior editor of the *Antitrust Law Journal*, and he has published research in outlets including *The Antitrust Source*, *Journal of Health Economics*, *Journal of Competition Law & Economics*, *Concurrences: Competition Law Journal*, and the ABA Antitrust Section's *Econometrics: Legal, Practical and Technical Issues*. In addition to his consulting work, Dr. Rothman teaches a course on the economics of merger analysis in the economics department at Harvard University. Prior to joining Analysis Group, Dr. Rothman was an assistant professor at Columbia University.

**EDUCATION**

|         |  |
|---------|--|
| Ph.D.   | Business Administration, Haas School of Business, University of California at Berkeley, Berkeley, CA |
| M.Phil. | Development Studies, Cambridge University, Cambridge, UK   |
| B.A.    | Political Science, University of California at Berkeley, Berkeley, CA                                |

**PROFESSIONAL EXPERIENCE**

|              |   |
|--------------|---|
| 2006–Present | Analysis Group, Inc.<br><i>Managing Principal</i><br><i>Vice President</i><br><i>Manager</i><br><i>Associate</i>              |
| 2004–2006    | Department of Health Policy and Management, Columbia University Mailman School of Public Health<br><i>Assistant Professor</i> |

**SELECTED CASEWORK**

- **Merger review (multiple)**  
Supported experts in the analysis of market definition and assessments of potential competitive effects.

- **Pre-merger antitrust due diligence (multiple)**  
Assisted in the analysis of potential antitrust risks associated with an acquisition.
- **Monopolization (multiple)**  
Supported experts in the analysis of alleged monopolization and attempted monopolization.
- **Bid rigging**  
Supported an expert in the analysis of an alleged bid rigging conspiracy.
- **Price-fixing (multiple)**  
Supported expert in the analysis of an alleged conspiracy to fix prices.
- **Refusal to deal and conspiracy to monopolize**  
Supported an expert in the analysis of alleged refusal to deal and conspiracy to monopolize.
- **Price-fixing and exclusive dealing**  
Supported an expert in the analysis of alleged price-fixing and exclusive dealing.
- ***Kirk Dahl, et al., v. Bain Capital Partners, LLC, et al.***  
*US District Court, District of Massachusetts*  
Supported an expert in the analysis of an alleged conspiracy to rig bids.
- ***In re: High Tech Employees Antitrust Litigation***  
*US District Court, Northern District of California*  
Supported an expert in the analysis of an alleged conspiracy to suppress employee compensation.
- **Market manipulation**  
Supported an expert in the analysis of alleged market manipulation.
- ***In re: TFT-LCD (Flat Panel) Antitrust Litigation***  
*US District Court, Northern District of California, San Francisco Division*  
Supported an expert in the analysis of pass-through related to allegations of price-fixing.
- ***In re: Metoprolol Succinate End-Payor Antitrust Litigation***  
*US District Court, District of Delaware*  
Supported an expert in the analysis of class certification issues and damages associated with allegations relating to delayed generic entry.
- ***Schering Corporation, and MSP Singapore Company LLC, v. Mylan Pharmaceuticals Inc., and Mylan, Inc.***  
*US District Court, District of New Jersey*  
Supported an expert in the analysis of antitrust liability and damages associated with allegations relating to delayed generic entry.
- **Restraint of trade, breach of contract, and misappropriation of trade secrets**  
Supported an expert in the analysis of lost profits and damages resulting from a restraint of trade, breach of contract, and misappropriation of trade secrets.
- ***In re: Countrywide Financial Corp. Mortgage Market and Sales Practices Litigation***  
*US District Court, Southern District of California*  
Supported an expert in the analysis of class certification related to alleged steering of borrowers to subprime and pay option adjustable-rate mortgage (ARM) loans.



- **Statistical consulting**  
Developed a statistical sampling algorithm to estimate the proportion of documents in a storage facility that were subject to pending litigation.
- ***Pat Cason-Merenda, et al. v. Detroit Medical Center, et al.***  
*US District Court, Eastern District of Michigan*  
Supported an expert in the analysis of class certification issues relating to allegations of wage fixing.
- ***Novell, Inc. v. Microsoft Corporation***  
*US District Court, District of Utah*  
Supported an expert in the analysis of damages associated with allegations of anticompetitive conduct.

## EXPERT TESTIMONY

- ***Federal Trade Commission v. Wilhelmsen and Drew***  
*US District Court for the District of Columbia, No. 18-cv-00414-TSC*  
Testifying expert for the FTC (2018)
- ***Oula Zakaria, individually and as a representative of the class v. Gerber Products Co.***  
*US District Court, Central District of California, Western Division*  
Declaration in support of defendant Gerber's opposition to plaintiff's motion for class certification (2015)
- ***James P. Finton, Jr., et. al. v. ExxonMobil Pipeline Company, et. al.***  
*Circuit Court of Faulkner County, Arkansas, No. 23CV-13-445*  
Affidavit on statistical sampling of bellwether plaintiffs (2015)
- ***In re: Cathode Ray Tube (CRT) Antitrust Litigation***  
*US District Court for the Northern District of California, No.: 13-cv-05261-SC*  
Testifying expert for a defendant (2014)

## ARTICLES AND PUBLICATIONS

"A Primer on Bargaining: How Mergers May Affect Negotiated Prices," with David Toniatti, *Antitrust Source* (April 2018)

"Comment on 'The Flaws in Using the Hypothetical Monopolist Test from the 'Payor Perspective' in Health Care Merger Cases,' by Field, Fisher, and Coglianese," with David Toniatti, *Antitrust Source* (December 2017)

"United States: Economics," with Samuel Weglein, *Global Competition Review's The Antitrust Review of the Americas 2018* (November 2017)

"The Economics of Pass-Through with Production Constraints," with Philipp Tillmann and David Toniatti, *Journal of Competition Law & Economics* (May 2016)

"A Modified Approach to Random Selection of Bellwether Cases," with Matthew Holian and David Toniatti, *Bloomberg BNA Product Safety & Liability Reporter* (July 6, 2015)

"Average Overcharge Models and Determining Individual Harm in Collective Actions," with Pierre Cremieux and Mark Lewis, *Concurrences: Competition Law Journal*, No. 2, pp. 38-44 (2015)

“A Note on the Economics of Pass-Through with Two-Part Tariff Pricing,” *Journal of Competition Law & Economics* (May 2015)

“The Fallacy of Inferring Collusion from Countercyclical Prices,” with Aaron Yeater, *Economics Committee Newsletter*, Antitrust Section of American Bar Association, Vol. 14, Number 1 (Spring 2015)

“Random Selection Is Best For MDL Bellwether Trials,” with Loren Brown and Matthew Holian, *Law360* (October 20, 2014)

“Applying Econometrics Methods to Address Class Certification,” with Pierre Cremieux and Adam Decter, in *Econometrics: Legal, Practical and Technical Issues* (Second Edition), ABA Antitrust Section American Bar Association (2014)

“Teleseminar Summary: Resale Price Maintenance Following *Leegin*: US and Canadian Perspectives,” *The Price Point*, Newsletter of the ABA Section of Antitrust Law Pricing Conduct Committee (Spring 2011)

“Development of a Budget-Impact Model to Quantify Potential Cost Savings from Prescription Opioids Designed to Deter Abuse or Ease of Extraction,” with Alan White, Howard Birnbaum and Nathaniel Katz, *Applied Health Economics Health Policy*, Vol. 7, Issue 1, pp. 61-70 (2009)

“Does Trade Affect Child Health?” with David I. Levine, *Journal of Health Economics*. Volume 25, Issue 3, pp. 538-554 (May 2006)

## **APPENDIX B**

### **MATERIALS CONSIDERED**

Expert Report of C. Rick Moore, Information Technology Director, August 31, 2018, *Harness, et al v. Hosemann* consolidated with *Hopkins, et al v. Hosemann*; In the United States District Court for the Southern District of Mississippi, Northern Division; Civil Action No. 3:17cv791-DPJ-FKB.

Expert Report of Dov Rothman, Ph.D., August 1, 2018, *Harness, et al v. Hosemann* consolidated with *Hopkins, et al v. Hosemann*; In the United States District Court for the Southern District of Mississippi, Northern Division; Civil Action No. 3:17cv791-DPJ-FKB.